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May 10, 2022

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Via ECF filing

Hon. Glenn T. Suddaby
United States District Judge
Federal Building and U.S. Courthouse
P.O. Box 7336
Syracuse, NY 13261-7336

Re: Darnell Williams v. City of Syracuse, et al.
Case No. 5:22-CV-00067 (GTS)(ATB)

Your Honor:

The undersigned represents plaintiff in the above matter. I write in response to the May 10, 2022 letter from ACC Finney Raju, who represents defendants herein, requesting a stay of all discovery pending a determination of defendants' motion for partial dismissal. I note that defense counsel did not consult with me prior to making this request.

In any event, defendants' request should be denied, since defendants' motion seeks to dismiss only plaintiff's *state-law* claims for false arrest and malicious prosecution, but not plaintiff's related *federal* claims for false arrest or malicious prosecution, nor plaintiff's other federal claims for denial of right to a fair trial, failure to intervene, or *Brady* violations. Thus, even were this Court to grant defendants' motion in its entirety,¹ the pre-trial discovery in which the parties thereafter would engage would be identical to that in which they would engage were defendants' motion denied. Accordingly, there is no reason to stay pre-trial discovery.

I do note, however, that the parties' proposed Civil Case Management Plan is due tomorrow. Subject to the Court's approval, plaintiff has no objection to extending that deadline for a period of two weeks, or to some other relatively short date that the Court deems appropriate.

Thank you.

Very truly yours,

Edward Sivin

ES/lo

Cc: All counsel (via ECF)

¹ Plaintiff submits that such an outcome would be very unlikely, since there is no requirement that one attend a 50-h hearing prior to commencing suit against municipal *employees*. See, e.g., *Bradley v. Golphin*, No. 14-CV-4289 (NGG) (RML), 2018 U.S. Dist. LEXIS 8245, at *10-11 (E.D.N.Y. Jan. 17, 2018), and cases cited therein.